IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 942 OF 2007.

Smt. Shakuntala Bugaji Waghmode ..Petitioner
V/s
The State of Maharashtra & Ors. ..Respondents.

Mr.P.B.Kakade for the Petitioner.
Mr.M.S. Mhambre, APP for the State.

CORAM : R.M.S.KHANDEPARKAR AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 10TH JULY , 2007.

P.C.

. Mr. Mhambre, learned A.P.P. states that the concerned person was located in the house of his brother-in-law on 8th July, 2007 and information in that regard was furnished to the petitioner. However, the petitioner did not come forward to take him and, therefore, the concerned person was produced before the Judicial Magistrate, and thereafter he has been brought before this Court. His identity is confirmed by the petitioner, who is present along with her Advocate and the custody of the person is delivered to the petitioner in the open Court. In the course of hearing of the matter, it was disclosed from the records of the investigation papers that the concerned person was

located in the house of his brother-in-law on 8th July, 2007. However, the investigation papers nowhere disclose as to when and from which source the police came to know that the concerned person had been residing with his brother-in-law on the very day. In fact it was absolutely necessary for the Investigating Officer to make necessary record in that regard and disclose the source of information, as also the day and time when the same information was received by the police. The lapses in this regard on the part of Investigating Officer are of serious nature. We hope that the concerned authority will take note of the same and will do the needful. With these observations, as the custody of the concerned person has been delivered to the petitioner, nothing survives in this petition. Hence, the petition is disposed of.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K.TAHILRAMANI,J.)